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PAGE 55

The Telling Debate Over What Should Be Secret

By ROBERT PEAR

WASHINGTON — When President Reagan recently signed a directive "safeguarding national security information," White House officials expected critics to complain about the increased reliance on polygraphs as a tool for investigating news "leaks." Few of them expected the furor over another provision, requiring "prepublication review" of manuscripts written by employees and former employees with access to highly classified information.

The critics, who include civil liberties groups, publishers and Federal employee unions, consider prepublication review a euphemism for censorship. Proponents of the new system say it will curb unlawful disclosures of classified information that damage national security, but have never been successfully prosecuted.

The Presidential directive itself is so devoid of details that it is highly ambiguous. "All persons" with authorized access to classified information must sign a secrecy agreement, it says, and everyone with access to highly classified data dealing with intelligence sources and methods — that is, "sensitive compartmented information" — must submit manuscripts to the Government to insure deletion of classified material. Each agency is to establish its own set of rules.

Much of the alarm over the directive stems from the fact that it will extend to tens of thousands of Government employees the same kind of requirements that now apply to intelligence agents. "Prepublication review," warned Senator David F. Durenberger, Republican of Minnesota, "can be used to delay or prevent publication of embarrassing information, rather than real secrets." Gary Hart, the Colorado Senator seeking the Democratic Presidential nomination, denounced the order as "an official secrets act."

But Richard K. Willard, a Justice Department official who has taken the lead in defending the new order, said that it "equalizes the burden" on those who produce intelligence information and those who consume it. Both groups would now be subject to prepublication review. Intelligence officials have long chafed at the way in which State and Defense Department officials and White House aides disclosed tidbits of secret information to score points in policy debates or budget battles. As argument over the United States's covert activities in Central Amer-

ica heated up last week,

a document showing President Reagan's approval of covert activities, figured prominently in the debate.

Following the C.I.A.

Mr. Willard said that the Justice Department would be the first to issue its standards for prepublication review and that they would "serve as a model" for other agencies. Only the Central Intelligence Agency has had extensive experience with such a procedure. Its Publications Review Board has examined more than 800 manuscripts containing a total of 70,000 pages since it was established in 1977. C.I.A. employees sign a secrecy agreement promising to obtain the agency's approval before publishing "any information" that relates to the agency, its activities or intelligence activities generally. The agreement has been stringently enforced by the agency, which requires employees to submit works of fiction, book reviews, letters to the editor and magazine articles, as well as memoirs.

Two House subcommittees will hold joint hearings on the President's new order later this month. The harshest critics of the rule assume that other agencies will follow the practices of the C.I.A. If that happened, they say, it would stifle public debate on defense and foreign affairs. However, Mr. Willard said the prepublication review procedure would not be so onerous for other Federal workers because, in most cases, they did not deal with classified information nearly so much as Central Intelligence Agency employees.

Steven Garfinkel, director of the Federal office that coordinates "information security" throughout the Government, said he hoped to finish drafting the text of three new secrecy agreements by the end of May. "At their discretion," he said, the heads of Federal agencies may require employees to sign a prepublication review commitment if they have access to classified data, but not to "sensitive compartmented" information.

The Supreme Court upheld the use of secrecy agreements in a case filed by the Carter Administration against Frank W. Snepp 3d, a former Central Intelligence agent who failed to obtain clearance for his book about the Vietnam War. Even aside from his written agreement, the Court said, Mr. Snepp had a "fiduciary obligation" to submit his manuscript, and in failing to do so, he violated the trust placed in him by his employer.

In theory, any Federal employee might incur a similar obligation when given access to classified information. But no one has defined the limits of the Government power authorized by the Supreme Court in the Snepp case. Robert L. Bernstein, chairman and president of Random House, which published Mr. Snepp's book, described Mr. Reagan's new order as "a legacy of the C.I.A.'s determination to hide its blunders." Mr. Bernstein, who is also chairman of the United States Helsinki Watch Committee, a human rights group, added: "The President's directive is clearly an attempt to keep still more information from the American people, and it will have a sharply intimidating effect on America's independent book publishers. It can tie up publication of any book by a Government official indefinitely."